

**CONSTITUTIONAL AND APPELLATE COURT PARTICIPATION  
MOHRMAN, KAARDAL & ERICKSON, P.A.  
AND ITS ATTORNEYS (1997-2018)**

**1. Minnesota Voters Alliance v. Mansky, 138 S.Ct. 1876 (2018)**

First Amendment free speech case against Secretary of State and local election officials. Minnesota statute barring the wearing of political insignia inside polling place violated First Amendment's Free Speech Clause.

**2. Hoban v. United States Food and Drug Administration, 2018 WL 3122341 (D. Minn. 2018)**

Appointments Clause case against FDA. Defendants moved to transfer this case pursuant to 28 U.S.C. § 1404(a) to the United States District Court for the District of Columbia. Plaintiffs opposed the motion. The Court granted the motion.

**3. Collegians for a Constructive Tomorrow v. University of Minnesota, Board of Regents, 2018 WL 2293341 (Minn. Ct. App. 2018)**

Respondent University of Minnesota (the University) collects a fee from its students to fund student groups on its campus. Relator is a student group called Collegians for a Constructive Tomorrow (CFACT) that requested student-fee funding. The University partially granted CFACT's funding request and CFACT appealed to the University's appeals. The Court of Appeals affirmed the University's funding decisions.

**4. Otto v. Wright County, Supreme Court of Minnesota, 910 N.W.2d 446 (Minn. 2018)**

Statute permitting counties to choose to have audit performed by an accounting firm rather than by State Auditor did not violate separation of powers. Minnesota Supreme Court affirmed decision of Court of Appeals.

**5. Irv's Boomin' Fireworks, LLC v. Muhar, 2018 WL 1702862 (Mn. Ct. App. 2018)**

Appellants Irving Seelye and Irv's Boomin' Fireworks, LLC, challenged the district court's denial of their motion for temporary injunctive relief to preclude respondent Itasca County Attorney's Office and its officers from enforcing Minnesota's fireworks law, codified at Minnesota Statutes sections 624.20 to 624.25 (2016), against appellants. Court of Appeals affirmed district court decision.

**6. Watso v. Piper, United States District Court, D. Minnesota, 2018 WL 1512059 (D. Minn. 2018)**

Civil rights action based on U.S. Constitution and Indian Child Welfare Act. Parent and grandparent challenge state policies regarding transferring non-reservation children to tribal governments.

**7. Peterson v. Martinez, 2017 WL 6418224 (Mn. Ct. App. 2017)**

Appellant doctor argues that the district court (1) improperly granted summary judgment on his claims that respondent medical board and other respondents violated his rights under the Minnesota Government Data Practices Act (MGDPA) and (2) abused its discretion by denying his motions to amend his complaint and to compel production of documents. Court of Appeals affirmed district court decision.

**8. Linert v. MacDonald, 901 N.W.2d 664 (Mn. Ct. App. 2017)**

First amendment case. Campaign statute violated by State Supreme Court candidate, who falsely claimed that a judicial-election committee endorsed her, was not overbroad.

**9. Mdewakanton Sioux Indians of Minnesota v. Zinke, 264 F.Supp.3d 116 (Mn. Ct. App. 2017)**

Native American case involving federal tribal recognition. Putative Indian tribe and individuals allegedly belonging to tribe failed to show failure to exhaust administrative remedies should have been waived.

**10. County of Isanti v. Kiefer, 2017 WL 3469521 (Mn. Ct. App. 2017), 2016 WL 4068197 (Mn. Ct. App. 2016)**

Following a bench trial on respondent county's complaint alleging violations of its solid-waste and zoning ordinances, the district court ordered appellant to remove certain items that were stored outdoors on his property and rejected his constitutional takings claim. Appellant challenges the district court's order, arguing that the outdoor storage ordinance was misinterpreted. Court of Appeals reversed lower court decision and remanded with instructions.

**11. Nilsson v. Ball, 2017 WL 3378874 (Mn. Ct. App. 2017)**

In this boundary dispute, the district court granted summary judgment in respondent's favor declaring that he is the exclusive owner of the disputed property, finding no issues of material fact on his trespass and ejectment claims, and awarding damages on the trespass claim. The appeal followed.

**12. United States ex rel. Tingley v. PNC Financial Services Group, Inc., 705 Fed.Appx. 342 (6<sup>th</sup> Cir. 2017)**

Litigation-sanctions. Relator was not deprived of his due process right to fair notice of the imposition, under district court's inherent authority, of sanctions.

- 13. Douglas v. Stillwater Area Public Schools, Independent School District 834, 899 N.W.2d 546 (Mn. Ct. App. 2017)**

Education - Finance. School district's use of bond proceeds for heating, ventilation, and air conditioning upgrades at school was within bond referendum's broad purpose.

- 14. Minnkota Architectural Products Co., Inc. v. Rice Lake Construction Group, 2017 WL 2628048 (Mn. Ct. App. 2017)**

After respondent-subcontractor Minnkota Architectural Products Co., Inc., demanded arbitration, seeking payment for a 2012 construction job in Des Moines, Iowa, appellant-contractor Rice Lake Construction Group counterclaimed that Minnkota performed defective work on a 2009 construction job in St. Peter, Minnesota.

- 15. Calgaro v. St. Louis County, 2017 WL 2269500 (D. Minn. 2017)**

Civil rights—parental substantive and procedural due process claims. Parent brought claims against county, school district and medical service provider for providing benefits and services to minor child without parental consent.

- 16. City of Orono v. Nygard, 2017 WL 1548628 (Mn. Ct. App. 2017)**

REAL PROPERTY - Contempt. City could recover attorney's fees incurred in prosecuting contempt action against landowners regarding wind turbine removal.

- 17. Collegians for a Constructive Tomorrow v. University of Minnesota, 2017 WL 1436075 A16-1147 (Mn. Ct. App. 2017)**

Relator-student-group challenges respondent University's final decision regarding relator's student-services-fee allocation. The Court of Appeals concluded that respondent's proceedings were regular and respondent allocated fees in a viewpoint-neutral manner.

- 18. Go Green Energy, LLC v. City of Orono, 2017 WL 1316137 (Mn. Ct. App. 2017)**

Appellant challenges the summary-judgment dismissal, on statutory-immunity grounds, of its tort claims arising out of respondent City of Orono's passage of an ordinance regulating small-wind-energy-conversion systems (SWECS). Because the district court did not err in concluding that the city is entitled to immunity as a matter of law, we affirm.

**19. Bryant Avenue Baptist Church v. City of Minneapolis, 892 N.W.2d 852 (Mn. Ct. App. 2017)**

GOVERNMENT - Public Improvements. Church was not exempt under state constitution from special assessments which city imposed for street resurfacing.

**20. In re Guardianship of Dorosh, 2017 WL 74303 (Mn. Ct. App. 2017)**

On appeal from the district court's approval of the annual accounts of a ward, appellant, the ward's daughter, argues that (1) the district court abused its discretion in denying her discovery; and (2) her due process rights were violated because the district court failed to provide the required notice and a hearing on the second annual...

**21. Minnesota Voters Alliance v. Simon, 885 N.W.2d 660 (Minn. 2016)**

GOVERNMENT - Jurisdiction. Exercise of Supreme Court's jurisdiction over petition challenging election officials' misconduct was not warranted.

**22. Tichich v. City of Bloomington, 835 F.3d 856 (8<sup>th</sup> Cir. 2016)**

GOVERNMENT - Records. Driver's license holder stated claims alleging governmental entities violated Driver's Privacy Protection Act (DPPA).

**23. Eggenberger v. West Albany Tp., 820 F.3d 938 (8<sup>th</sup> Cir. 2016)**

LITIGATION - Declaratory Judgment. Denial of access to government information was no basis for declaratory judgment action.

**24. Krupicka v. Hassinger, 2016 WL 1290937 (Mn. Ct. App. 2016)**

Appellant challenges the district court's order denying his motion to modify or vacate a harassment restraining order (HRO) issued against him. We affirm. In February 2014, the district court issued an ex parte order for protection (OFP) on behalf of respondent

Shauna Marie Krupicka against appellant Paul John Hassinger. After a hearing on March 5,...

**25. Abrahamson v. St. Louis County School Dist, 2016 WL 1290905 (Minn. 2016)**

The present appeal arises from the second formal complaint filed by two constituents in the St. Louis County School District who have accused the school district of violating campaign-finance reporting laws. After the first appeal, the school district filed a campaign-finance report of its 2009 expenditures used to promote one side of a ballot...

**26. Nygard v. Walsh, 2016 WL 596606 (Mn. Ct. App. 2016)**

Appellants, husband and wife, challenge district court orders dismissing their petitions seeking ex parte harassment restraining orders (HRO) against a neighbor, arguing that they are entitled to a hearing under Minn.Stat. § 609.748 (2014) and due-process guarantees. Because appellants' due-process rights were vindicated and because appellants...

**27. Rexine v. Rexine, 2015 WL 6442560 (Minn. 2015)**

In this marital dissolution proceeding, appellant mother argues that the district court erred by: (1) awarding sole legal custody to respondent father; (2) declining to order the parties to take their children to Catholic Mass on a weekly basis; (3) dividing marital property in an inequitable manner; and (4) ordering the parties to share their...

**29. Dean v. City of Winona, 868 N.W.2d 1 (Mn. Ct. App. 2015)**

REAL PROPERTY - Appeals. Exceptions to mootness doctrine did not permit review of challenge to zoning ordinance following sale of property at issue.

**30. Hebert v. Winona County, 111 F.Supp.3d 970 (D. Minn. 2015)**

LABOR AND EMPLOYMENT - Public Employment. Under Minnesota law, former county employee's claims against county for defamation and breach of contract could only be asserted in certiorari proceeding.

**31. Minnesota Voters Alliance v. Anoka-Hennepin School Dist., 868 N.W.2d 703 (Mn. Ct. App. 2015)**

EDUCATION - School Districts. Brochure published by school district did not

“promote” levy ballot questions so as to subject district to campaign-finance-reporting requirements.

**32. Centennial Fire Fighters Relief Ass'n v. City of Lino Lakes, 2015 WL 2468727 (Mn. Ct. App. 2015)**

Appellants challenge the district court's denial of their request for a writ of mandamus. We affirm. The cities of Centerville, Circle Pines, and respondent Lino Lakes entered into a Joint Powers Agreement (JPA) in January 1990 pursuant to their authority under Minn.Stat. § 471.59, subd. 1 (1990).

**33. Minnesota Voters Alliance v. State, 2015 WL 2457010 (Mn. Ct. App. 2015)**

Appellants challenge the district court's denial of their request for attorney fees under the Minnesota Equal Access to Justice Act (MEAJA), Minn.Stat. §§ 15.471–.474 (2014), after successfully obtaining a writ of quo warranto requiring respondents to discontinue online voter registration, arguing that the district court erred by...

**34. State v. Turner, 864 N.W.2d 204 (Mn. Ct. App. 2015)**

CIVIL RIGHTS - Free Speech. Criminal defamation statute, which did not include truth as absolute bar or incorporate actual malice standard for public issues, was unconstitutionally overbroad.

**35. Smith v. Department of Employment and Economic Development, 2015 WL 1128509 (Mn. Ct. App. 2015)**

Relator Eunice Smith challenges a Minnesota Department of Employment and Economic Development (DEED) unemployment law judge's (ULJ) decision that she owes a debt recoverable under the Minnesota Revenue Recapture Act. Affirmed

**36. In re Harry Inge Baker and Jeanne C. Baker Trust Dated August 9, 1988, 2015 WL 1013662 (Mn. Ct. App. 2015)**

In this appeal after remand in a trust-administration dispute, appellant asserts that the district court erred in the way in which it applied a stipulated payment that was made before the first appeal in this matter to the final judgment as amended after remand. Affirmed.

- 37. In re Contest of Special Election held on November 4, 2014, 2015 WL 1014155 A14-2167 (Mn. Ct. App. 2015)**

Appellant Nathan Kranz challenges the district court's dismissal of his challenge to the results of a special election held by respondent school district on a bonding proposal. Because the district court found that the school district's errors were not the result of bad faith and did not have an impact on the election, and those findings are affirmed.

- 38. Save Mille Lacs Sportsfishing, Inc. v. Minnesota Dept. of Natural Resources, 859 N.W.2d 845 (Mn. Ct. App. 2015)**

ADMINISTRATIVE PRACTICE - Rulemaking. Absence of citation to relevant constitutional or common-law principle was not grounds for declaring rule invalid.

- 40. Annex Medical, Inc. v. Burwell, United States Court of Appeals, Eighth Circuit. September 05, 2014 --- F.3d ---- 2014 WL 4378763 13-1118**

Background: Employer that sponsored employees' group health insurance plan, and its controlling shareholder, brought action challenging contraceptive mandate under the Patient Protection and Affordable Care Act (ACA). The United States District Court for the District of Minnesota, David S. Doty, J., 2013 WL 203526, denied plaintiffs' motion for a...

...District Court for the District of Minnesota—Minneapolis Erick G. Kaardal , argued, Minneapolis, MN ( Kaylan Lytle Phillips , and Noel Johnson , Plainfield...

- 41. 281 Care Committee v. Arneson, United States Court of Appeals, Eighth Circuit. September 02, 2014 --- F.3d ---- 2014 WL 4290372 13-1229**

CIVIL RIGHTS - Free Speech. Minnesota statute criminalizing making false statements about ballot initiatives violated First Amendment.

...District Court for the District of Minnesota—Minneapolis William F. Mohrman , argued, Minneapolis, MN ( Erick G. Kaardal and James V.F. Dickey , on the brief), for appellants. John...

- 42. Maple Bank v. St. Louis Park Public School Dist. No. 283, Court of Appeals of Minnesota. June 30, 2014 Not Reported in N.W.2d 2014 WL 2921941 A13-2102**

On appeal from summary judgment in this commercial-lease dispute, appellant argues that the district court erred by concluding that Rea Properties materially breached its lease with respondents. Appellant also argues that the district court abused its discretion by denying its motion to strike some of respondents' evidence and by denying its motion...

...District Court, File No. 27–CV–13–1813. William F. Mohrman James V.F. Dickey , Mohrman & Kaardal, P.A., Minneapolis, MN, for appellant. Jessica E. Schwie , Jardine,

Logan...

**43. Walker v. Jesson, Court of Appeals of Minnesota. May 05, 2014 Not Reported in N.W.2d 2014 WL 1758210 A13-0986**

We affirm the district court's dismissal of appellant's challenge to the department of human services' expenditure of public funds to provide indigent women with abortions because appellants fail to establish taxpayer standing by alleging conduct that constitutes an unlawful expenditure. In November 2012, appellants Denise and Brian Walker sued the...

...amicus curiae American Civil Liberties Union of Minnesota. Erick G. Kaardal James R. Magnuson , Mohrman & Kaardal, PA, Minneapolis, MN; and Teresa S. Collett (pro hac vice...

**44. Dean v. City of Winona, Court of Appeals of Minnesota. February 24, 2014 843 N.W.2d 249 2014 WL 684689 A13-1028**

REAL PROPERTY - Zoning and Planning. Ordinance capping at 30% number of lots on any block eligible for rental certification was not unconstitutional.

...MN, for amicus curiae League of Minnesota Cities. Erick G. Kaardal , Mohrman & Kaardal, P.A., Minneapolis, MN. Daniel E. Frank , (pro hac vice), Sutherland...

**45. Minnesota Voters Alliance v. Anoka Hennepin School Dist., Court of Appeals of Minnesota. December 23, 2013 Not Reported in N.W.2d 2013 WL 6725847 A13-0769**

Relators challenge a decision of an administrative-law judge (ALJ) dismissing as untimely their complaint against respondent school district that alleged violations of the Minnesota Campaign Financial Reports Act, Minn.Stat. §§ 211A.01–.14 (2012), and the Minnesota Fair Campaign Practices Act, Minn.Stat. §§...

...of Administrative Hearings, File No. 8–0325–030140. Erick G. Kaardal , Mohrman & Kaardal, P.A., Minneapolis, MN, for relators. Lori Swanson , Attorney General, St...

**46. In re Morath, Court of Appeals of Minnesota. December 16, 2013 Not Reported in N.W.2d 2013 WL 6569964 A13-0786**

We affirm the district court's denial of a motion requesting declaratory judgment that the work of the Wabasha County Government Study Commission was void because appellants do not contest the district court's finding that the motion was moot. In December 2011, the Wabasha County Board of Commissioners abolished its county administrator position....

...District Court, File No. 79–CV–11–1269. Erick G. Kaardal , Mohrman & Kaardal,



P.A., Minneapolis, MN, for appellants Norman and Snow. James Nordstrom...

**47. Buffets, Inc. v. Leischow, United States Court of Appeals, Eighth Circuit. October 21, 2013 732 F.3d 889 2013 WL 5677038 12-2804**

BANKRUPTCY - Jurisdiction. Diversity provided basis for jurisdiction over action removed on basis of “related to” bankruptcy jurisdiction.

...presented argument on behalf of the appellant was William F. Mohrman, of Minneapolis, MN. The following attorney(s) appeared on the...

**48. Wolfchild v. U.S., United States Court of Appeals, Federal Circuit. September 27, 2013 731 F.3d 1280 2013 WL 5405505 2012-5035, 2012-5036, 2012-5043**

NATIVE AMERICANS - Lands. Descendants of tribe members did not show that legislation was money-mandating.

...original tribal relations, with lack of unitary organization. Erick G. Kaardal , Mohrman & Kaardal, P.A., of Minneapolis, MN, argued for plaintiffs-cross appellants, Sheldon...

**49. Minnesota Voters Alliance v. Ritchie, United States Court of Appeals, Eighth Circuit. August 02, 2013 720 F.3d 1029 2013 WL 3958348 12-2946**

GOVERNMENT - Elections. Voters failed to state a §1983 claim challenging the Minnesota election procedure for verifying election day registrants.

...5–120(14) 524.5–313(c)(8) Erick G. Kaardal , argued, Minneapolis, MN, for Appellants. Nathan J. Hartshorn , AAG, argued...

**50. InCompass IT, Inc. v. XO Communications Services, Inc., United States Court of Appeals, Eighth Circuit. June 26, 2013 719 F.3d 891 2013 WL 3198183 12-2868, 12-2829**

COMMERCIAL LAW - Jury. Equitable nature of promissory estoppel claim against lessee foreclosed lessor’s right to jury trial.

...of the unenforceable agreement. M.S.A. §513.05 Erick G. Kaardal , argued and on the brief, Minneapolis, MN, for appellants/cross...

**51. Slaven v. Engstrom, United States Court of Appeals, Eighth Circuit. March 22, 2013 710 F.3d 772 2013 WL 1164433 12-1457**

CIVIL RIGHTS - Municipal Liability. There was no evidence that county policy caused alleged due process violations against parents during child protection case.

...violations. U.S.C.A. Const.Amend. 14 42 U.S.C.A. §1983 Erick G. Kaardal , argued, Minneapolis, MN, for Appellant. Daniel Patrick Rogan , argued, Minneapolis...

**52. Minnesota Majority v. Mansky, United States Court of Appeals, Eighth Circuit. March 06, 2013 708 F.3d 1051 2013 WL 811728 11-2125**

CIVIL RIGHTS - Free Speech. Minnesota statute prohibiting display of political materials at polling place did not facially violate right to free speech.

...delegating discretion to election judges. U.S.C.A. Const.Amend. 14 Erick G. Kaardal , argued, Minneapolis, MN, for appellants. Daniel Patrick Rogan , argued, Minneapolis...

**53. Annex Medical, Inc. v. Sebelius, United States Court of Appeals, Eighth Circuit. February 01, 2013 Not Reported in F.3d 2013 WL 1276025 13-1118**

Appellants Annex Medical, Inc. and Stuart Lind have moved for a preliminary injunction pending appeal against enforcement of certain mandatory coverage provisions of the Patient Protection and Affordable Care Act of 2010. In their complaint filed in the district court, the appellants challenged provisions of the statute and implementing regulations...

...Kaylan Lytle Phillips , Actright Legal Foundation, Plainfield, IN, Erick G. Kaardal , Mohrman & Kaardal, P.A., Minneapolis, MN, for Plaintiffs-Appellants. Kaylan Lytle Phillips , U.S...

**54. Limmer v. Ritchie, Supreme Court of Minnesota. August 27, 2012 819 N.W.2d 622 2012 WL 3642681 A12-1258, A12-1149**

GOVERNMENT - Elections. Secretary exceeded his authority by providing titles for proposed constitutional amendment ballot questions.

...1 (2010) , is the title designated by the Legislature Erick Kaardal , Mohrman Kaardal, P.A., Minneapolis, MN, Austin R. Nimocks Jordan Lorence , Alliance Defending...

**55. League of Women Voters Minnesota v. Ritchie, Supreme Court of Minnesota. August 27, 2012 819 N.W.2d 636 2012 WL 3643840 A12-0920**

GOVERNMENT - Elections. Ballot question for proposed “voter identification” amendment to State Constitution did not itself violate the Constitution.

...PLLC, Alexandria, VA, for amicus curiae Minnesota Majority. Erick G. Kaardal William F. Mohrman , Mohrman & Kaardal, P.A., Minneapolis, MN, for amici curiae State Senator Scott J...

- 56. Abrahamson v. St. Louis County School Dist., Supreme Court of Minnesota. August 10, 2012 819 N.W.2d 129 2012 WL 3236801 A10-2162**

EDUCATION - Finance. School district was a corporation within the meaning of the Campaign Financial Reports Act and Fair Campaign Practices Act.

...prima facie violation of Minn.Stat. §211B.06 Erick G. Kaardal , Mohrman & Kaardal, P.A., Minneapolis, MN, for respondents Abrahamson and Kotzian. Stephen M...

- 57. State v. Fellegly, Court of Appeals of Minnesota. July 11, 2012 819 N.W.2d 700 2012 WL 2849606 A11-1097**

CRIMINAL JUSTICE - Selective Prosecution. Defendant charged with taking fish out of season failed to establish equal protection based claim of selective prosecution.

...Smith, Assistant County Attorney, Aitkin, MN, for respondent. Erick G. Kaardal, Mohrman & Kaardal, P.A., Minneapolis, MN, for appellant. Considered and decided by WRIGHT...

- 58. State v. Wendorf, Court of Appeals of Minnesota. March 19, 2012 814 N.W.2d 359 2012 WL 896358 A11-838**

CRIMINAL JUSTICE - Traffic Offenses. Seat belt statute allowed officer to stop motorist solely for seat belt violation.

...the City of Anoka, Anoka, MN, for respondent. Erick G. Kaardal, Mohrman & Kaardal, P.A., Minneapolis, MN, for appellant. Considered and decided by KALITOWSKI...

- 59. Rechtzigel v. Commissioner of Public Safety, Court of Appeals of Minnesota. January 23, 2012 Not Reported in N.W.2d 2012 WL 177368 A11-1123**

On appeal from the district court's decision sustaining the revocation of appellant's driver's license under the implied-consent law, appellant argues that (1) his statements to the police officer should be suppressed because he was in custody at the time he made the statements, but the requisite Miranda warning was not given; (2) the officer's...

...2012. Dakota County District Court; File No. 19AVCV10669. Erick G. Kaardal , Mohrman & Kaardal, P.A., Minneapolis, MN, for appellant. Lori Swanson , Attorney General, Kristi...

- 60. McCaughtry v. City of Red Wing, Supreme Court of Minnesota. December 28, 2011 808 N.W.2d 331 2011 WL 6783813 A10-0332**

CIVIL RIGHTS - Declaratory Judgment. Challenge to constitutionality of rental inspection ordinance presented justiciable controversy.

...amicus curiae St. Paul Association of Responsible Landlords. Erick G. Kaardal , Mohrman & Kaardal, P.A., Minneapolis, MN, for amici curiae legal scholars Ryan Scott...

- 61. McGrath v. Minnesota Secretary of State, Court of Appeals of Minnesota. November 21, 2011 Not Reported in N.W.2d 2011 WL 5829345 A11-613**

GOVERNMENT - Elections. Counties' delay of inputting voter registration data into statewide system did not establish that secretary of state had violated Help America Vote Act (HAVA).

...Administrative Hearings, File No. 15-3500-21801-HV. Erick G. Kaardal , Mohrman & Kaardal, P.A., Minneapolis, MN, for relators. Lori Swanson , Attorney General, Nathan...

- 62. R.C. Smith Co. v. Commercial Environments, Inc., Court of Appeals of Minnesota. August 29, 2011 Not Reported in N.W.2d 2011 WL 3795149 A11-363**

In this contract dispute, appellant challenges the district court's orders denying its motion for summary judgment on an unjust-enrichment claim, dismissing the claim, and imposing sanctions for pursuing the claim to judgment. By notice of related appeal, respondent argues that the court abused its discretion by declining to adopt respondent's...

...Terry , Messerli & Kramer, P.A., Minneapolis, MN, for appellant. William F. Mohrman James R. Magnuson , Mohrman & Kaardal, P.A., Minneapolis, MN, for respondent. Considered and decided by HALBROOKS...

- 63. Storms v. Schneider, Court of Appeals of Minnesota. August 08, 2011 802 N.W.2d 824 2011 WL 3426034 A10-1876**

COMMERCIAL LAW - Replevin. Action seeking to recover religious statue from its creator was a replevin action for which a right to jury trial applied.

...Pugh , Bassford Remele, P.A., Minneapolis, MN, for respondent. Erick G. Kaardal William F. Mohrman , Mohrman & Kaardal, P.A., Minneapolis, MN, for appellant. Considered and decided by JOHNSON...

- 64. Abrahamson v. St. Louis County School Dist., Court of Appeals of Minnesota. August 01, 2011 802 N.W.2d 393 2011 WL 3241873 A10-2162**

EDUCATION - School Districts. School district expenditures to promote ballot referendum were subject to campaign finance reporting requirements.

...constitute “disbursements” under Minnesota Statutes, chapter 211 A. Erick G. Kaardal, Mohrman & Kaardal P.A., Minneapolis, MN, for relators. Stephen M. Knutson Michelle D...

- 65. American Civil Liberties Union of Minnesota v. Tarek ibn Ziyad Academy, United States Court of Appeals, Eighth Circuit. July 07, 2011 643 F.3d 1088 2011 WL 2637701 10-2326**

EDUCATION - Parties. Parents’ motion to intervene was untimely in action alleging charter school’s methods violated Establishment Clause.

...its decision. Michael W. McConnell , argued, Stanford, CA, Erick G. Kaardal , on the brief, Minneapolis, MN, for appellant. Peter McCreery Lancaster...

- 66. S.R. Wiedema, Inc. v. Sienna Corp., Court of Appeals of Minnesota. June 06, 2011 Not Reported in N.W.2d 2011 WL 2201084 A10-750**

Appellant challenges the district court’s summary-judgment determination that respondent’s mortgage takes priority over appellant’s mechanic’s lien. Appellant argues that the undisputed evidence establishes that respondent had actual notice of appellant’s lien or that the actual and visible beginning of the improvement to the land preceded the...

...P.A., Minneapolis, Minnesota (for respondent Village Bank). Vincent J. Fahnländer , Mohrman & Kaardal, P.A., Minneapolis, Minnesota (for appellant Pioneer Engineering, P.A.). Considered and...

- 67. 281 Care Committee v. Arneson, United States Court of Appeals, Eighth Circuit. April 28, 2011 638 F.3d 621 2011 WL 1584724 10-1558**

GOVERNMENT - Elections. Knowingly false campaign speech is not categorically outside protection of First Amendment.

...meet a compelling government interest. U.S.C.A. Const.Amend. 1 Erick G. Kaardal, argued, William F. Mohrman, on the brief, Minneapolis, MN, for appellant. Jean Burdorf, argued...

- 68. A.L.S. ex rel. J.P. v. E.A.G., Court of Appeals of Minnesota. October 26, 2010 Not Reported in N.W.2d 2010 WL 4181449 A10-443**

FAMILY LAW - Assisted Reproduction. Surrogate was the legal and biological mother

of a child under Minnesota's Parentage Act.

...Court, File No. 27-PA-FA-07-909. William F. Mohrman , Mohrman & Kaardal, P.A., Minneapolis, MN; and Samantha J. Gemberling , Gemberling Law Office...

**69. In re Teacher Licensures at Tarek IBN Ziyad Academy, Court of Appeals of Minnesota. August 17, 2010 Not Reported in N.W.2d 2010 WL 3220117 A09-2267**

The commissioner of education assessed a penalty against relator under Minn.Stat. § 127A.42 (2008) for noncompliance with teacher-licensure requirements. Relator challenges the penalty, asserting multiple claims of error. We affirm. Relator Tarek ibn Ziyad Academy (TiZA), a Minnesota public charter school, is required to abide by all...

...2267. Aug. 17, 2010. Minnesota Department of Education Erick G. Kaardal , Mohrman & Kaardal, P.A., Minneapolis, MN, for relator. Lori A. Swanson , Attorney General...

**70. In re North Shore Pines Trust Agreement, Court of Appeals of Minnesota. April 27, 2010 Not Reported in N.W.2d 2010 WL 1657566 A09-1159**

Appellant argues that the district court erred by granting summary judgment to respondents based on a determination that certain amendments to a trust agreement are valid and enforceable. Because there are no genuine issues of material fact and because the district court did not err in its application of the law, we affirm. This dispute relates to...

...Court, File No. 27-TR-CV-08-139. Erick G. Kaardal , Mohrman & Kaardal, P.A., Minneapolis, MN, for appellant Ronald Smith. Matthew T. Boos...

**71. Barry v. St. Anthony-New Brighton Independent School Dist. 282, Court of Appeals of Minnesota. April 20, 2010 781 N.W.2d 898 2010 WL 1541307 A09-1093**

EDUCATION - School Districts. Complaint against school district and school board failed to allege prima facie campaign finance violation.

...a violation of chapter 211A or 211 B. Erick G. Kaardal , Mohrman & Kaardal, P.A., Minneapolis, MN, for relators. James E. Knutson , Knutson Flynn...

**72. Paulownia Plantations de Panama Corp. v. Rajamannan, Supreme Court of Minnesota. November 05, 2009 793 N.W.2d 128 2009 WL 3644186 A07-2199**

Background: Corporation created for purposes of investing in tree lumber business

owner's operations in Panama brought action against owner and his Panamanian businesses, asserting breach of contract and other claims. Defendants filed motion to dismiss under doctrine of forum non conveniens. The District Court, Anoka County, Barry A....

...protected by an order making the dismissal conditional. William F. Mohrman Erick G. Kaardal , Mohrman & Kaardal, P.A., Minneapolis, MN, for respondent. Gary Hansen Aaron Mills Scott...

**73. Faegre & Benson, LLP v. R & R Investors, Court of Appeals of Minnesota. September 29, 2009 772 N.W.2d 846 2009 WL 3077629 A08-1899**

BUSINESS ORGANIZATIONS - Partnerships. Tucker Act claim remained property of partnership following dissolution and subsequent continuation of the business.

...without need for separate devise of that property. Erick G. Kaardal , Mohrman & Kaardal, P.A., Minneapolis, MN, for appellants R & R Investors, et al...

**74. City of Ramsey v. Kiefer, Court of Appeals of Minnesota. August 25, 2009 Not Reported in N.W.2d 2009 WL 2595890 A08-1714**

In this certiorari appeal, relator challenges respondent city's notice to relator to abate a nuisance based on its conclusion that a vehicle is parked on relator's property in violation of a city ordinance. Because the city's decision is not supported by evidence in the record and is based on an error of law, we reverse. Relator Keith A. Kiefer is...

...Sonsalla , Kennedy & Graven, Chtd., Minneapolis, MN, for respondent. Erick G. Kaardal , Mohrman & Kaardal, P.A., Minneapolis, MN, for relator. Considered and decided by BJORKMAN...

**75. Citizens for Rule of Law v. Senate Committee on Rules & Admin. Court of Appeals of Minnesota. July 28, 2009 770 N.W.2d 169 2009 WL 2225635 A08-1343**

GOVERNMENT - Public Officials. Increase in legislators' per diem allowances did not violate state constitution.

...section's prohibition against same-term increases to compensation. Erick G. Kaardal , Mohrman & Kaardal, P.A.; Daniel J. Biersdorf , Biersdorf & Associates, Minneapolis, MN, for appellants...

**76. Minnesota Voters Alliance v. City of Minneapolis, Supreme Court of Minnesota.**



**June 11, 2009 766 N.W.2d 683 2009 WL 1617771 A09-182**

GOVERNMENT - Elections. Instant runoff voting, as adopted by city residents through referendum, was not facially unconstitutional.

...Smallwood, 130 Minn. 492, 153 N.W. 953 (1915) Erick Gregg Kaardal , Mohrman & Kaardal, P.A., Minneapolis, MN, for appellants. Susan Lee Segal , Minneapolis City...

**77. Wolfchild v. U.S., United States Court of Appeals, Federal Circuit. March 10, 2009 559 F.3d 1228 2009 WL 592459 2008-5018**

NATIVE AMERICANS - Lands. Appropriations Acts did not create trust for benefit of loyal Mdewakanton and their lineal descendants.

...temporary use and occupancy rights. U.S.C.A. Const.Amend. 5 Erick G. Kaardal , Mohrman & Kaardal P.A., of Minneapolis, MN, argued for all plaintiffs-appellees Sheldon...

**78. Paulownia Plantations de Panama Corp. v. Rajamannan, Court of Appeals of Minnesota. December 09, 2008 757 N.W.2d 903 2008 WL 5136819 A07-2199**

LITIGATION - Jurisdiction. Panama was not available forum for suit, such that dismissal under doctrine of forum non conveniens was improper.

...balancing of the public- and private-interest factors. William F. Mohrman Erick G. Kaardal Tona T. Dove , Mohrman & Kaardal, P.A., Minneapolis, MN, for appellant. Gary Hansen Aaron Mills Scott...

**79. Houston County v. Solum, Court of Appeals of Minnesota. September 16, 2008 Not Reported in N.W.2d 2008 WL 4224493 A07-1408, A07-2115**

In these consolidated appeals, appellant-relator Matthew Solum challenges (1) the district court's determination that his property does not conform with Houston County's zoning ordinance and (2) the county's subsequent denial of his application for a conditional-use permit. We affirm. In October 2005, Solum purchased a house and approximately eight...

...Houston County and Houston County Board of Commissioners. Erick G. Kaardal , Mohrman & Kaardal, P.A., Minneapolis, MN, for appellant Matthew Solum and relators Matthew...

**80. Shepherd v. Stade, Court of Appeals of Minnesota. June 03, 2008 Not Reported in N.W.2d 2008 WL 2246259 A07-1220**



Appellant challenges the district court's denial of her motion to dismiss respondent's complaint on the ground that it is barred by the doctrine of sovereign immunity. Appellant asserts that the Shakopee Mdewakanton Sioux Community (the tribe) is an indispensable party to the suit and that, because the tribe cannot be joined, the suit must be...

...District Court, File No. 70-CV-07-6059. Erick G. Kaardal William F. Mohrman , Mohrman & Kaardal, P.A., Minneapolis, MN, for respondent. Kevin J. Wetherille Dennis Patrick...

**81. Evelyn I. Rechtzigel Trust ex rel. Rechtzigel v. Fidelity Nat. Title Ins. Co. of New York**

**Court of Appeals of Minnesota. May 06, 2008 748 N.W.2d 312 2008 WL 1971976 A07-0645**

INSURANCE - Title. Title insurance did not cover losses incurred arising out of bankruptcy of qualified intermediary in like-kind exchange.

...duty to defend under a title insurance policy. Erick G. Kaardal , Mohrman & Kaardal, P.A., Minneapolis, MN, for appellant. Ryan R. Dreyer Eric Nasstrom...

**82. . Johnson v. City of Shorewood, Court of Appeals of Minnesota. February 19, 2008 Not Reported in N.W.2d 2008 WL 434680 A06-2353**

Appellant Ronald Johnson challenges the district court's grant of summary judgment in favor of all named respondents. Appellant argues that the district court erred by (1) denying his request for a declaratory judgment and an additional takings proceeding under Minn.Stat. § 117.045 (2006), based on "[r]espondents' future, continued and increased...

...District Court, File No. 27-CV-04-016195. Erick G. Kaardal , Mohrman & Kaardal, P.A., Minneapolis, MN, for appellant. George C. Hoff Kimberly B...

**83. Star Windshield Repair, Inc. v. Western Nat. Ins. Co., Court of Appeals of Minnesota. February 05, 2008 744 N.W.2d 237 2008 WL 314457 A07-216, A07-217, A07-830**

INSURANCE - Automobile. Anti-assignment clauses validly applied to post-loss assignments of right to payment for windshield repairs.

...MN, for respondent Western National Insurance Co. Steven R. Kluz , Mohrman & Kaardal, P.A., Minneapolis, MN, for respondent Austin Mutual Insurance Company. Leatha...

- 84. State v. Otterstad, Supreme Court of Minnesota. July 12, 2007 734 N.W.2d 642 2007 WL 2003314 A05-178, A05-179**

CRIMINAL JUSTICE - Nuisance. State did not prove defendants maintained condition that endangered public safety when they displayed political signs.

...defense to the ordinance they allegedly violated. Charles R. Shreffler , Mohrman & Kaardal, P.A., Minneapolis, MN, Alan E. Untereiner Daniel R. Walfish , Robbins...

- 85. Glass Service Co., Inc. v. Illinois Farmers Ins. Co., Court of Appeals of Minnesota. June 26, 2007 Not Reported in N.W.2d 2007 WL 1815781 A06-1074**

On appeal from the district court order confirming the arbitrators' awards of damages in multiple, individual, consolidated claims under the no-fault law, in which respondent sought additional payments for automobile windshield glass repair and replacement work it had performed for appellant's insureds, appellant argues that the arbitrators...

...Morgan , Minneapolis, MN; and Steven R. Kluz, Jr. Gregory Erickson Mohrman & Kaardal, P.A. , Minneapolis, MN, for appellant. Considered and decided by RANDALL...

- 86. In re GlaxoSmithKline plc, Supreme Court of Minnesota. June 07, 2007 732 N.W.2d 257 2007 WL 1630190 A04-2150**

LITIGATION - Discovery. Trial court may issue protective order to prevent chill on First Amendment association rights.

...B. Civello , St. Paul, MN, for Respondent. Charles R. Shreffler Mohrman & Kaardal , Minneapolis, MN, Elizabeth B. McCallum Howrey LLP Margaret M. Zwisler...

- 87. State ex rel. Sviggum v. Hanson, Court of Appeals of Minnesota. May 22, 2007 732 N.W.2d 312 2007 WL 1470300 A06-840**

GOVERNMENT - Budget. Quo warranto could not be used to challenge the constitutionality of completed disbursements of public funds.

...is capable of resolution through the judicial process. Erick G. Kaardal William F. Mohrman Mohrman & Kaardal, P.A. , Minneapolis, MN, for appellants. Lori Swanson , Attorney General, Kenneth...

- 88. Mellby v. Cass County, Court of Appeals of Minnesota. April 03, 2007 Not**

**Reported in N.W.2d 2007 WL 968633 A06-80, A06-299**

In these consolidated land-use appeals, relators argue that (1) the county's findings under the zoning ordinance are inadequate to allow review of the county's grant of a preliminary conditional use permit and planned unit development; (2) the planning commission misunderstood aspects of the zoning ordinance, including misunderstanding it to...

...Falls, MN, for respondent Cass County Planning Commission. William F. Mohrman Gregory M. Erickson Mohrman & Kaardal, P.A. , Minneapolis, MN, for respondent Bryan Walker. Considered and decided...

**89. In re Charges of Unprofessional Conduct Involving File No. 17139, Supreme Court of Minnesota. September 07, 2006 720 N.W.2d 807 2006 WL 2564384 A05-1955**

LEGAL SERVICES - Discipline. Request for identity of attorney's sources for statement about judge was reasonable.

...St Paul MN, for Lawyers Professional Responsibility Board. William F. Mohrman Charles R. Shreffler Mohrman & Kaardal, P.A. , Minneapolis MN, for Respondent Attorney in File No. 17139...

**90. Republican Party of Minn. v. White, United States Court of Appeals, Eighth Circuit. June 20, 2006 456 F.3d 912 2006 WL 1687468 99-4021, 99-4025, 99-4029**

JUDICIAL ADMINISTRATION - Judges. Attorney fees in excess of \$1.5 million were awarded in challenge to judicial canons regulating political activity.

...Thomas J. Marzen Bopp & Coleson , Terre Haute, IN, Erick G. Kaardal Mohrman & Kaardal, P.A. , Minneapolis, MN, Tony P. Trimble Matthew Wayne Haapoja Trimble & Associates , Minnetonka, MN, for Plaintiffs-Appellants. William F. Mohrman Mohrman & Kaardal, P.A. , Minneapolis, MN, for Plaintiff. Mark Bernard Levinger Thomas Campion...

**91. Riley v. Jankowski, Court of Appeals of Minnesota. April 26, 2006 713 N.W.2d 379 2006 WL 1147945 A05-1125**

GOVERNMENT - Elections. Statute requiring a disclaimer on campaign literature was overbroad and unconstitutionally restricted pure speech.

...Paul, MN, for respondent Office of Administrative Hearings. Erick G. Kaardal William F. Mohrman Mohrman & Kaardal, P.A. , Minneapolis, MN, for relators Stephen Jankowski, et al. Considered...

- 92. In re GlaxoSmithKline plc, Court of Appeals of Minnesota. April 18, 2006 713 N.W.2d 48 2006 WL 997450 A04-2150**

ANTITRUST - Discovery. Pharmaceutical company documents, sought by Attorney General, were not confidential.

...Steen & Hamilton, Washington, D.C., for respondent GlaxoSmithKline plc. William F. Mohrman Mohrman & Kaardal , Minneapolis, MN, for amicus curiae Pharmaceutical Research and Manufacturers of...

- 93. Peterson v. BASF Corp., Supreme Court of Minnesota. March 30, 2006 711 N.W.2d 470 2006 WL 799218 C3-02-857**

ENVIRONMENTAL LAW - Pesticides. Farmers' claims of deceptive herbicide marketing were not preempted by FIFRA.

...Reform Association and Amicus American Tort Reform Association. William F. Mohrman Mohrman & Kaardal , P. A., Minneapolis, MN, for Amicus Washington Legal Foundation. Scott...

- 94. Ellingson v. Burlington Northern and Santa Fe Ry. Co., Court of Appeals of Minnesota. March 21, 2006 Not Reported in N.W.2d 2006 WL 696315 A05-650**

Background: Motorist's husband brought a negligence action against railroad after motorist died after being involved in a collision with a train. The District Court, Isanti County, granted railroad summary judgment. Motorist and railroad appealed. Holding: The Court of Appeals, Wright, P.J., held that negligence claim asserted by motorist's husband...

...County District Court, File No. C7-02-712. William F. Mohrman Erick G. Kaardal Charles R. Shreffler Mohrman & Kaardal, P.A. , Minneapolis, MN, for appellant. Julius W. Gernes JoAnn C...

- 95. State v. Otterstad, Court of Appeals of Minnesota. December 27, 2005 Not Reported in N.W.2d 2005 WL 3527236 A05-178, A05-179**

In these consolidated appeals from their convictions for creating a public nuisance and violating a city sign ordinance, appellants argue that they did not act intentionally or "maintain a condition" that would violate the nuisance statute; as applied to them and facially, the nuisance statute is an unconstitutional content-based.....J. Scott , Anoka, MN, for respondent. Charles R. Shreffler, Jr. Mohrman & Kaardal, P.A. , Minneapolis, MN, for appellants. Considered and decided by WILLIS...

- 96. Republican Party of Minnesota v. White, United States Court of Appeals, Eighth Circuit. August 02, 2005 416 F.3d 738 2005 WL 1802507 99-4021, 99-4025, 99-4029**

JUDICIAL ADMINISTRATION - Judges. Restricting political activities of candidates for judicial office violated First Amendment.

...Jud. Conduct, Canon 5 , subd. B(1)(a). William F. Mohrman Mohrman & Kaardal, P.A. , argued, Minneapolis, MN, for Gregory Wersal, Campaign for Justice...

- 97. In re GlaxoSmithKline PLC, Supreme Court of Minnesota. July 14, 2005 699 N.W.2d 749 2005 WL 1645638 A04-2150, A04-2151**

LITIGATION - Discovery. Order addressing confidentiality of documents produced on Civil Investigative Demand was appealable.

...Gottlieb Steen & Hamilton , Washington, D.C., for Respondent. Charles R. Shreffler Mohrman & Kaardal , Minneapolis, MN, Margaret M. Zwisler Elizabeth B. McCallum , Washington, D.C...

- 98. Jerome Cheese Co. v. Equinox Enterprises, Inc., Court of Appeals of Minnesota. June 28, 2005 Not Reported in N.W.2d 2005 WL 1514452 A04-1960**

Appellant Jerome Cheese Company asserts that the district court clearly erred by finding that the parties entered into a valid brokerage agreement as part of a settlement agreement placed on the record. Despite the finding, the district court granted appellant's motion to dismiss this action with prejudice under the terms of the settlement...

...L.L.P ., New Ulm, MN, for appellant. Charles R. Shreffler, Jr. Mohrman & Kaardal, P.A. , Minneapolis, MN, for respondents. Considered and decided by STONEBURNER...

- 99. Forest Park II v. Hadley, United States Court of Appeals, Eighth Circuit. May 24, 2005 408 F.3d 1052 2005 WL 1214328 04-2599**

REAL PROPERTY - Subsidized Housing. Government actors did not violate low-income landlord's right to prepay its federal mortgage.

...as Preempted Minn.Stat. Ann. §§471.9997 504B.255 William F. Mohrman , argued, Minneapolis, MN, for appellant. Amy V. Kvalseth , AAG, argued...

- 100. Twin City Pipe Trades Service Ass'n, Inc. v. Peak Mechanical, Inc., Court of Appeals of Minnesota. December 07, 2004 689 N.W.2d 549 2004 WL 2796039 A04-356**

REAL PROPERTY - Liens. Employment-benefit fund trustee could file mechanic's lien

statements on behalf of union employees.

...labor of the employees. Vincent J. Fahnlander Eric L. Lipman Mohrman & Kaardal, P.A. , Minneapolis, MN, for respondent. John M. Koneck Brian S...

**101. Republican Party of Minn., Third Congressional Dist. v. Klobuchar, United States Court of Appeals, Eighth Circuit. August 26, 2004 381 F.3d 785 2004 WL 1900318 03-2801**

GOVERNMENT - Elections. As-applied challenges to campaign statute were mooted when prosecution of candidate was dismissed.

...as Unconstitutional M.S.A. §211B.06, subd. 1 William F. Mohrman , argued, Minneapolis, MN ( Erick G. Kaardal and Eric L. Lipman of Minneapolis, MN, on the brief...

**102. Republican Party of Minnesota v. White, United States Court of Appeals, Eighth Circuit. March 16, 2004 361 F.3d 1035 2004 WL 503674 99-4025, 99-4021, 99-4029**

CIVIL RIGHTS - Appeals. Remand by Supreme Court necessitated Court of Appeals' remand for further proceedings on affected issues.

...Const.Amend. 1 James Bopp , argued, Terre Haute, IN ( William F. Mohrman , Minneapolis, MN of counsel), for appellant. Alan I. Gilbert , argued...

**103. Johnson v. City of Shorewood, Minnesota, United States Court of Appeals, Eighth Circuit. March 05, 2004 360 F.3d 810 2004 WL 405692 03-2023, 02-4081, 02-3562**

LITIGATION - Jurisdiction. Rooker–Feldman doctrine deprived court of jurisdiction over property owners' claims.

...federal claims. 28 U.S.C.A. §1367(c)(3) Erick G. Kaardal , argued, Minneapolis, Minnesota, for appellants/cross-appellees. George C. Hoff...

**104. Peterson v. BASF Corp., Supreme Court of Minnesota. February 19, 2004 675 N.W.2d 57 2004 WL 307317 C3-02-857**

COMMERCIAL LAW - Consumer Protection. Evidence supported \$52,058,931.51 damages award in class action against herbicide maker.

...Francisco, CA, for Amicus Curiae Minnesota Farmers Union. William F. Mohrman Mohrman & Kaardal , Minneapolis, MN, Daniel J. Popeo Richard A. Samp Washington Legal...

**105. In re Conservatorship of Kimel, Court of Appeals of Minnesota. December 09, 2003 Not Reported in N.W.2d 2003 WL 22889998 A03-35**

In an order on an account in a conservatorship, the district court surcharged conservator Louise Bouta and her surety for breach of a fiduciary duty in Bouta's management of Thomas Kimel's estate. Bouta appeals on three grounds: that inadequate notice of the nature of the alleged breach and potential personal liability violated her...

...District Court, File No. P6001276; Thorwald Anderson , Judge. Erick G. Kaardal Mohrman & Kaardal, P.A. , Minneapolis, MN, for appellant Louise Bouta. Stephen C. Fiebiger...

**106. Forest Park II v. Hadley, United States Court of Appeals, Eighth Circuit. July 17, 2003 336 F.3d 724 2003 WL 21664818 02-2445, 02-2609**

REAL PROPERTY - Subsidized Housing. State statutes imposing extra requirements on federally subsidized housing landlord's prepayment were preempted.

...Minn.Stat. Ann. §504B.255 Minn.Stat. Ann. §471.9997 William F. Mohrman , argued, Minneapolis, MN, for appellant. Ann Marie Norton , argued, St...

**107. Peterson v. BASF Corp., Court of Appeals of Minnesota. March 11, 2003 657 N.W.2d 853 2003 WL 943659 C3-02-857**

COMMERCIAL LAW - Consumer Protection. FIFRA did not preempt farmers' consumer fraud action against herbicide manufacturer.

...Minneapolis, MN, for amicus Product Liability Advisory Council. William F. Mohrman Morhman & Kaardal , Minneapolis, MN, for amicus Washington Legal Foundation. Considered and decided...

**108. Walser Auto Sales, Inc. v. City of Richfield, Supreme Court of Minnesota. May 23, 2002 644 N.W.2d 425 2002 WL 1033814 C4-01-694**

Based upon all the files, records and proceedings herein, and upon an evenly divided court, IT IS HEREBY ORDERED that the decision of the court of appeals filed November 13, 2001, be, and the same is, affirmed without opinion. BY THE COURT: Kathleen A. Blatz Chief Justice

...Amicus Curiae Minnesota Institute of Public Finance, Inc. Erick G. Kaardal (#229647), Minneapolis, MN, William H. Mellor Dana Berliner (#447686), Robert...

**109. Republican Party of Minnesota v. Kelly, United States Court of Appeals, Eighth Circuit. April 30, 2001 247 F.3d 854 2001 WL 434484 99-4021, 99-4025, 99-4029**

GOVERNMENT - Elections. Restrictions on judicial candidate's partisan activity did



not violate First Amendment.

...Code of Jud.Conduct, Canon 5 , subd. B(2). William R. Mohrman, Minneapolis, Minnesota, argued, for appellants Gregory Wersal and Campaign for Justice. Tony P. Trimble , Minnetonka, Minnesota, argued ( Erick G. Kaardal and Robert S. Halagan , on the brief), for appellants Muslim...

**110. Brewster v. Kriz, Court of Appeals of Minnesota. September 19, 2000 Not Reported in N.W.2d 2000 WL 1341472 C5-00-614**

James J. Kriz, Jr., appeals the district court's denial of his motion for relief under Minn.R.Civ.P. 60.02 from an order establishing an attorney's lien on behalf of respondent Fredrikson & Byron, P.A. We affirm. In April 1996, appellant James J. Kriz, Jr., retained respondent Fredrikson & Byron, P.A., as his counsel in connection with post-decree...

...Respondent. No. C5-00-614. Sept. 19, 2000. William F. Mohrman Mohrman & Kaardal, P.A. , Minneapolis, MN, for appellant. Jay Quam Judy Sally Engel...

**111. Funchess ex rel. Haynes v. Cecil Newman Corp., Minnesota Supreme Court. 632 N.W.2d 666 August 23, 2001 632 N.W.2d 666 2001 WL 952827 C8-00-90.**

REAL PROPERTY - Landlord and Tenant. Tenant's murder was not foreseeable result of landlord's alleged failure to maintain lock on back door of tenant's building. Court of Appeals reversed.

...A. LaNave Murrin Law Firm , Edina, for respondents. William F. Mohrman, Mohrman & Kaardal, P.A. , Minneapolis, for appellant.

**112. Pietsch v. Darling, Court of Appeals of Minnesota. April 11, 2000 Not Reported in N.W.2d 2000 WL 369388 C0-99-1632**

After a dispute arose involving the balance due on a contract for deed between appellant Michael J. Darling and respondent Rory J. Pietsch, Darling served notice of cancellation under Minn.Stat. § 559.21 (1996). Ultimately, at a pretrial hearing at which Darling represented himself, the parties entered into a settlement agreement on the record....

...Defendants. No. C0-99-1632. April 11, 2000. William F. Mohrman Mohrman Co. , P.A., Minneapolis, MN, for respondent. David J. Van House...

**113. Nevis Lumber, Inc. v. Walker Bldg. Center, Court of Appeals of Minnesota. September 21, 1999 Not Reported in N.W.2d 1999 WL 732436 CX-99-407**

In this appeal from a judgment denying its claim for specific performance of a purchase agreement, appellant Nevis Lumber, Inc., argues that the district court erred by concluding that the purchase agreement was rescinded by the parties' mutual agreement



to abandon it and that the purchase agreement also failed for lack of consideration. We affirm....

...Respondents. No. CX-99-407. Sept. 21, 1999. Erick G. Kaardal Trimble & Associates, Ltd. , 11700 Wayzata Boulevard, Minnetonka, MN 55305 (for...

**114. In re Trusteeship Created by City of Sheridan, Court of Appeals of Minnesota. May 05, 1999 593 N.W.2d 702 1999 WL 289247 C4-98-1722, C9-98-1702, C6-98-1673**

COMMERCIAL LAW - Jurisdiction. Trial court had jurisdiction over trust administered in state even though assets were not in state.

...indicate that the exercise of jurisdiction is appropriate. William F. Mohrman Mohrman & Co., P.A. , Minneapolis, for appellants Colorado Farm Bureau Mutual Insurance...

**115. Pietsch v. Darling, Court of Appeals of Minnesota. December 22, 1998 Not Reported in N.W.2d 1998 WL 894717 C2-98-987**

On appeal from a summary judgment, appellant Rory Pietsch challenges the district court's order dismissing this action to have himself declared the fee owner of property. The district court concluded that, pursuant to Minn.Stat. § 559.21, subds. 2a, 3 (1996), Pietsch had no legal interest in the property because he failed to either cure the default...

...County District Court, File No. CX-97-1458. William F. Mohrman Mohrman & Co., P.A. Multifoods Tower , Minneapolis, MN, for Appellant. Mark E...

**116. Stark v. Independent School Dist., No. 640, United States Court of Appeals, Eighth Circuit. August 21, 1997 123 F.3d 1068 1997 WL 473963 96-3250**

Taxpayers brought action against school district, seeking to close elementary school on basis that school's creation and operation violated First Amendment's guarantee against establishment of religion. The United States District Court for the District of Minnesota, Michael J. Davis, J., 938 F.Supp. 544, entered injunction permanently...

...DC, argued ( C. Hunter Wiggins , Washington, DC, and Erick G. Kaardal , Minnetonka, MN, on the brief), for Appellant. Robert J. Bruno...

**117. In re Medworth, Court of Appeals of Minnesota. April 22, 1997 562 N.W.2d 522 1997 WL 191826 C8-96-2030**

Conservator petitioned to relocate conservatee from her home to out-of-state congregateliving apartment. The District Court, Hennepin County, Ann L. Alton, J., granted petition. Conservatee appealed. The Court of Appeals, Short, J., held that trial court abused its discretion in granting relocation petition. Reversed.

...extent necessary to provide needed care and services. Erick G. Kaardal Trimble &

Associates, Ltd. , Minnetonka, for appellant Elvira Medworth. Timothy R...